

7. The ACL complaint or order must clearly state that payment of the previously suspended amount does not relieve the discharger of its independent obligation to take necessary actions to achieve compliance.

If an ECA is utilized as part of a settlement of an enforcement action against a discharger, the monetary liability that is not suspended shall be no less than the amount of the economic benefit that the discharger received from its unauthorized activity, plus an additional amount that is generally consistent with the factors for monetary liability assessment to deter future violations.

## **X. DISCHARGER VIOLATION REPORTING**

For permitted discharges, all violations must be accurately reported in self-monitoring reports in a form acceptable to the Regional Water Board. Voluntary disclosure of violations that are not otherwise required to be reported to the Water Boards shall be considered by the Water Boards when determining the appropriate enforcement response.

Falsification or misrepresentation of such voluntary disclosures shall be brought to the attention of the appropriate Regional Water Board for possible enforcement action.

## **XI. VIOLATION AND ENFORCEMENT DATA**

The Water Boards will ensure that all violations and enforcement actions are accurately documented in the appropriate Water Board data management system. All violations should be addressed with an appropriate enforcement action. Enforcement action options are described in Appendix A. Sufficient information will be collected and maintained regarding regulated facilities and sites to allow preparation of internal and external reporting of violation and enforcement information, and development and reporting of performance measures regarding the Water Boards' enforcement activities. To ensure timely collection of this information, all violations will be entered within 10 days of discovery of the violation, and all enforcement actions will be entered within 20 days of the date of the enforcement action.

## **XII. ENFORCEMENT REPORTING**

In order to inform the public of the State and Regional Water Boards' performance with regard to enforcement activities, there are a number of legislatively mandated and elective reports the Water Boards are committed to producing on a regular basis, including those required by Water Code sections 13167 and 13399. See Appendix B for additional information on these reports.

## **XIII. POLICY REVIEW AND REVISION**

It is the intent of the State Water Board that this Policy be reviewed and revised, as appropriate, at least every five years. Nothing in this Policy is intended to preclude revisions, as appropriate, on an earlier basis.

## **APPENDIX A: ENFORCEMENT ACTIONS**

### **A. Standard Language**

In order to provide a consistent approach to enforcement throughout the State, enforcement orders and hearing procedures shall be standardized to the extent appropriate. The State Water Board will create model enforcement orders and hearing procedures containing standardized provisions for use by the Regional Water Boards. The Regional Water Boards shall use the models, modifying terms, and conditions only as appropriate to fit the specific circumstances related to a discharge and to be consistent with Regional Water Board plans and policies.

### **B. Progressive Enforcement**

Progressive enforcement refers to an escalating series of actions that allows for the efficient and effective use of enforcement resources to: (1) assist cooperative dischargers in achieving compliance; (2) compel compliance for repeat violations and recalcitrant violators; and (3) provide a disincentive for noncompliance. Enforcement staff will engage in the process described in Part II of the Policy and exercise its discretion to determine which steps to take in an effort to efficiently use and prioritize limited resources. For some violations, an informal response such as a phone call, email, or staff enforcement letter is a sufficient first step to notify the discharger that the violation has been identified, and to encourage a swift and complete return to compliance. If any of the noted violations continue, staff's enforcement response should quickly escalate to increasingly more formal, forceful, and serious actions until compliance is achieved.

Progressive enforcement is not appropriate in all circumstances. Examples include, but are not limited to, emergency situations needing immediate response, violations resulting from intentional and/or grossly negligent conduct, violations by dischargers with a history of noncompliance, or violations resulting in significant impact or threat of impact to beneficial uses. In some cases involving an injunctive component, such as investigation or CAO, progressive enforcement may be less of a priority than collecting data and analyses necessary to protect water quality. Progressive enforcement is a routine practice for Water Board staff, but should not be considered a requirement when swift or immediate enforcement is needed or justified to address a particular violation.

### **C. Informal Enforcement Actions**

An informal enforcement action is any enforcement action taken by Water Board staff that is not defined in statute or regulation. An informal enforcement action can include any form of communication (oral, written, or electronic) between Water Board staff and a discharger concerning an actual, threatened, or potential violation. Informal enforcement actions cannot be petitioned to the State Water Board.

The purpose of an informal enforcement action is to quickly bring an actual, threatened, or potential violation to the discharger's attention and to give the discharger an opportunity to return to compliance as soon as possible. The Water Board may take formal enforcement action in place of, or in addition to, informal enforcement actions. Continued noncompliance, particularly after informal actions have been unsuccessful, will result in escalation to more formal enforcement.

## **1. Oral and Written Contacts**

For many violations, the first step is an oral contact. This involves contacting the discharger by phone or in person, informing the discharger of the specific violations, discussing how and why the violations have occurred or may occur, and how and when the discharger will correct the violation and achieve compliance. Staff must document such conversations in the facility case file and in the enforcement database.

A letter or email is often appropriate as a follow-up to, or in lieu of, an oral contact. Letters or emails, signed by staff or by the appropriate senior staff, should inform the discharger of the specific violations and, if known to staff, discuss how and why the violations have occurred or may occur. This letter or email should ask how and when the discharger will correct the violation and achieve compliance. The letter or email should require a prompt response and a certification from the discharger that the violation(s) has been corrected. In many cases, an email response may not be sufficient and a formal written response will be required. Correction of the violation by the discharger shall be recorded in the enforcement database.

Oral enforcement actions, letters, or emails shall not include language excusing the violation or modifying a compliance date in WDRs or other orders issued by the Water Boards.

## **2. Notices of Violation (NOV)**

An NOV letter is the most significant level of informal enforcement action. An NOV must be signed by the appropriate staff and provided to the discharger(s). In cases where the discharger has requested that its consultant be notified of Regional Water Board actions, the consultant should also receive a copy of the NOV. The NOV letter shall include a description of the specific violation, a summary of potential enforcement options available to address noncompliance (including potential ACL assessments), and a request for a certified, written response by a specified date that either confirms the correction of the violation or identifies a date by which the violation will be corrected. The NOV can be combined with a request for technical information pursuant to California Water Code sections 13267 and/or 13383, or similar requests. The summary of potential enforcement options must include appropriate citations to the California Water Code and must specify that the Regional Water Board reserves the right to take any enforcement action authorized by law. When combining NOVs and California Water Code section 13267 requests, it should be noted that only requests made pursuant to section 13267 are petitionable to the State Water Board.

## **D. Formal Enforcement Actions**

Formal enforcement actions are statute-based actions to address a violation or threatened violation of water quality laws, regulations, policies, plans, or orders. The actions listed below present options available for enforcement:

### **1. Notices to Comply**

California Water Code section 13399 *et seq.* deals with statutorily defined “minor” violations. When dealing with such a “minor” violation, a Notice to Comply is generally the only means by which the State Water Board or Regional Water Board can commence an enforcement action. A violation is determined to be “minor” by the State Water Board or the Regional Water Board after considering factors defined in California Water Code section 13399, subdivisions (e) and (f), and the danger the violation poses to, or the potential that the violation presents for, endangering human health, safety, welfare, or the environment.

- a. Under most circumstances the violations listed below are considered to be “minor” violations:
  - (1) Inadvertent omissions or deficiencies in recordkeeping that do not prevent a Water Board from determining whether compliance is taking place;
  - (2) Records (including WDRs) not being physically available at the time of the inspection, provided the records do exist and can be produced in a reasonable time;
  - (3) Inadvertent violations of insignificant administrative provisions that do not involve a discharge of waste or a threat thereof; and,
  - (4) Violations that result in an insignificant discharge of waste or a threat thereof; provided, however, that there is no significant threat to human health, safety, welfare, or the environment.
- b. A violation is not considered “minor” if it includes any of the following:
  - (1) Any knowing, willful, or intentional violation of division 7 (commencing with section 13000) of the California Water Code;
  - (2) Any violation that enables the violator to benefit economically from noncompliance, either by realizing reduced costs or by gaining an unfair competitive advantage;
  - (3) Chronic violations or violations committed by a recalcitrant violator; and,
  - (4) Violations that cannot be corrected within 30 days.

## ***2. Notices of Storm Water Noncompliance***

The Storm Water Enforcement Act of 1998 (Wat. Code, § 13399.25 et seq.) requires that each Regional Water Board provide a notice of noncompliance to any storm water dischargers who have failed to file a notice of intent to obtain coverage, a notice of non-applicability, a construction certification, or annual reports. If, after two notices, the discharger fails to file the applicable document, the Regional Water Board shall issue an ACL complaint against the discharger. Alternatively, the Water Boards may enforce most of these violations under Water Code section 13385.

## ***3. Technical Reports and Investigations***

California Water Code sections 13267, subdivision (b), and 13383, allow the Water Boards to conduct investigations and to require technical or monitoring reports from any person who has discharged, discharges, or is suspected of having discharged or discharging, or who proposes to discharge waste. When requiring reports, pursuant to Water Code section 13267, subdivision (b), the Water Board must ensure that the burden, including the cost of reports, bears a reasonable relationship to the need for the reports and the benefits to be obtained from them. Further, the Water Board shall provide a written explanation with regard to the need for the reports and identify the evidence that supports requiring them. Although they should be cited in Cleanup and Abatement Orders, Cease and Desist Orders and section 13308 Time Schedule Orders, it is important to note that Water Code sections 13267 and 13383 are not strictly enforcement statutes. State and Regional Water Boards should routinely cite those sections as authority whenever asking for technical or monitoring reports.

Failure to comply with requirements made pursuant to California Water Code section 13267, subdivision (b), may result in administrative civil liability pursuant to California Water Code section 13268. Failure to comply with orders made pursuant to California Water Code section 13383 may result in administrative civil liability pursuant to California Water Code section 13385. Sections 13267, subdivision (b), and 13383 requirements are enforceable when signed by the Executive Officer or Executive Director of the Water Boards or their delegates.

#### **4. Cleanup and Abatement Orders (CAO)**

Cleanup and Abatement Orders (CAO) are adopted pursuant to California Water Code section 13304 and/or Health and Safety Code section 25296.10. CAOs may be issued to any person who has discharged or discharges waste into the waters of this State in violation of any waste discharge requirement or other order or prohibition issued by a Regional Water Board or the State Water Board, or who has caused or permitted, causes or permits, or threatens to cause or permit any waste to be discharged or deposited where it is, or probably will be, discharged into the waters of the State and creates, or threatens to create, a condition of pollution or nuisance (discharger). The CAO requires the discharger to clean up the waste or abate the effects of the waste, or both, or, in the case of threatened pollution or nuisance, take other necessary remedial action, including, but not limited to, overseeing cleanup and abatement efforts.

The Regional Water Boards shall comply with State Water Board Resolution No. 92-49, Policies and Procedures for Investigation and Cleanup and Abatement of Discharges under Water Code Section 13304, in issuing CAOs. CAOs shall require dischargers to clean up the pollution to background levels or the best water quality that is reasonable, if background levels of water quality cannot be restored, in accordance with Resolution No. 92-49. At a minimum, clean up levels must be sufficiently stringent to fully support beneficial uses, unless the Regional Water Board allows a containment zone. In the interim, and if restoration of background water quality cannot be achieved, the CAO shall require the discharger(s) to abate the effects of the discharge.

Violations of CAOs should trigger further enforcement in the form of an ACL Complaint, a Time Schedule Order (TSO) under California Water Code section 13308, or a referral to the Attorney General for injunctive relief or monetary remedies.

#### **5. Section 13300 Time Schedule Orders (TSO)**

Pursuant to California Water Code section 13300, a Regional Water Board can require the discharger to submit a time schedule that sets forth the actions the discharger will take to address actual or threatened discharges of waste in violation of requirements. Typically, those schedules, after any appropriate adjustments by the Regional Water Board, are then memorialized in an order. TSOs that require submission of technical and monitoring reports should state that the reports are required pursuant to California Water Code section 13267.

#### **6. Section 13308 Time Schedule Orders (13308 TSO)**

California Water Code section 13308 authorizes the Regional Water Board to issue a Section 13308 Time Schedule Order (13308 TSO) that prescribes, in advance, a civil penalty if compliance is not achieved in accordance with the time schedule. The Regional Water Board may issue a 13308 TSO if there is a threatened or continuing violation of a CAO, a cease and desist order, or any requirement issued under California Water Code sections 13267 or 13383. The penalty must be set based on an amount reasonably necessary to achieve compliance and may not contain any amount intended to punish or redress previous violations. The 13308 TSO provides the Regional Water Boards with their primary mechanism for motivating compliance, and if necessary, assessing monetary penalties against federal facilities. Orders under this section are an important tool for regulating federal facilities.

If the discharger fails to comply with a 13308 TSO, the discharger is subject to an ACL complaint. The State Water Board may issue a 13308 TSO if the violation or threatened violation involves requirements prescribed by a State Water Board Order. If the amount of proposed liability in the complaint is less than the amount specified in the 13308 Order, the Regional Board is required by California Water Code 13308(c) to include specific findings setting forth the reasons for its action based on Water Code section 13327.

## **7. Cease and Desist Orders (CDO)**

Cease and Desist Orders (CDO) are adopted pursuant to California Water Code sections 13301 and 13303. CDOs may be issued to dischargers violating or threatening to violate waste discharge requirements (WDR) or prohibitions prescribed by the Regional Water Board or the State Water Board. CDOs are often issued to dischargers with chronic non-compliance problems. These problems are rarely amenable to a short term solution. Often, compliance involves extensive capital improvements or operational changes. The CDO will usually contain a compliance schedule, including interim deadlines, interim effluent limits and a final compliance date. CDOs may also include restrictions on additional service connections to community sewer systems and combined stormwater/sewer systems.

Section 4477 of the California Government Code prohibits all state agencies from entering into contracts of \$5,000 or more for the purchase of supplies, equipment, or services from any nongovernmental entity who is the subject of a CDO that is no longer under review and that was issued for violation of WDRs or which has been finally determined to be in violation of federal laws relating to air or water pollution. If the CDO contains a time schedule for compliance and the entity is adhering to the time schedule, the entity is not subject to disqualification under this section. A list of such entities is maintained by the State Water Board.

CDOs that require submission of technical and monitoring reports should stat that the reports are required pursuant to Water Code section 13267. CDOs shall contain language describing likely enforcement options available in the event of noncompliance and shall specify that the Regional Water Board reserves its right to take any further enforcement action authorized by law. Such language shall include appropriate California Water Code citations. Violations of CDOs should trigger further enforcement in the form of an ACL, 13308 TSO, or referral to the Attorney General for injunctive relief or monetary remedies.

## **8. Modification or Rescission of WDRs**

In accordance with the provisions of the California Water Code, a Regional Water Board may modify or rescind WDRs in response to violations. Depending on the circumstances of the case, rescission of WDRs may be appropriate for failure to pay fees, penalties, or liabilities; a discharge that adversely affects beneficial uses of the waters of the State; and violation of the State Water Board General WDRs for discharge of bio-solids due to violation of the Background Cumulative Adjusted Loading Rate. Rescission of WDRs generally is not an appropriate enforcement response where the discharger is unable to prevent the discharge, as in the case of a publicly-owned treatment works (POTW).

## **9. Administrative Civil Liabilities (ACL)**

ACLs are liabilities imposed by a Regional Water Board or the State Water Board. The California Water Code authorizes the imposition of an ACL for certain violations of law. The factors used to assess the appropriate penalties are addressed in Section VI.

In addition to those specific factors that must be considered in any ACL action, there is another factor that ought to be considered. When the underlying problem that caused the violation(s) has not been corrected, the Water Board should evaluate whether the liability proposed in the ACL complaint is sufficient to encourage necessary work by the discharger to address problems related to the violation. If not, the Water Board should consider other options. An ACL action may be combined with another enforcement mechanism such as a CAO, a CDO, or other order with a time schedule for obtaining compliance. The appropriate orders to bring a discharger into compliance via an enforcement action will vary with the circumstances faced by the Water Boards.

It is the policy of the State Water Board that a 30-day public comment period shall be posted on the Board's website prior to the settlement or imposition of any ACL and prior to settlement of any judicial civil liabilities. In addition, for civil liabilities that are expected to generate significant public interest, the Board may consider mailing or emailing the notice to known interested parties, or publishing the notice in a local newspaper. The notice should include a brief description of the alleged violations, the proposed civil liability, the deadline for comments, the date of any scheduled hearing, a process for obtaining additional information, and a statement that the amount of the civil liability may be revised. Only one notice need be posted for each civil liability.

Upon receipt of an ACL complaint (complaint), the discharger(s) may waive its right to a public hearing and pay the liability; negotiate a settlement; or appear at a Board hearing to dispute the complaint. If the discharger waives its right to a public hearing and pays the liability, a third party may still comment on the complaint at any time during the public comment period. Following review of the comments, the Executive Officer, or his or her delegate, may withdraw the complaint. A complaint may be redrafted and reissued as appropriate, but a new comment period would apply to any substantively different complaint.

## **E. Petitions of Enforcement Actions**

Persons affected by most formal enforcement actions or failures to act by a Regional Water Board may file a petition with the State Water Board for review of such actions or failures to act. The petition must be received by the State Water Board within 30 days of the Regional Water Board action. A petition on a Regional Water Board's failure to act must be filed within 30 days of either the date the Regional Water Board refuses to act, or a date that is 60 days after a request to take action has been made to the Regional Water Board. Actions taken by the Executive Officer of a Regional Water Board, if pursuant to authority delegated by the Regional Water Board (e.g., CAOs, ACL orders), are considered final actions by the Regional Water Board and are also subject to the 30-day time limit. In addition, significant enforcement actions by a Regional Water Board Executive Officer may, in some circumstances, be reviewed by the Regional Water Board at the request of the discharger, though such review does not extend the time to petition the State Water Board. The State Water Board may, at any time and on its own motion, review most actions or failures to act by a Regional Water Board. When a petition is filed with the State Water Board challenging an ACL assessment, the assessment is not due or owing during the State Water Board review of the petition. In all other cases, the filing of a petition does not automatically stay the obligation to comply with the Regional Water Board order; a stay must be requested from the State Water Board or a court.

## **APPENDIX B: ENFORCEMENT REPORTING**

In order to inform the public of the State and Regional Water Boards performance with regard to enforcement activities, there are a number of legislatively mandated and elective reports the Water Boards are committed to producing on a regular basis.

### **A. Legislatively Mandated Enforcement Reporting**

The following list summarizes legislatively mandated enforcement reporting requirements and State Water Board interpretations thereof:

- Section 13167 requires the State Water Board to place and maintain information on enforcement and enforcement actions on its website.
- Section 13225, subdivision (e), requires each Regional Water Board to report rates of compliance with the requirements of this Division. Compliance rates will be reported in the Annual Performance Report.
- Section 13225, subdivision (k), requires each Regional Water Board, in consultation with the State Water Board, to identify and post on the Internet a summary list of all enforcement actions undertaken in that region and the disposition of each action, including any civil penalty assessed. This list must be updated at least quarterly.
- Section 13323, subdivision (e), requires information related to hearing waivers and the imposition of administrative civil liability, as proposed, and as finally imposed, to be posted on the Internet.
- Section 13385, subdivision (o), requires the State Water Board to continuously report and update information regarding its enforcement activities on its website, but at a minimum, annually on or before January 1. The required information includes all of the following:
  1. A compilation of the number of violations of waste discharge requirements in the previous calendar year, including storm water enforcement violations;
  2. A record of the formal and informal compliance and enforcement actions taken for each violation, including storm water enforcement actions; and,
  3. An analysis of the effectiveness of current enforcement policies, including mandatory minimum penalties or MMPs.
- Section 13399.27, subdivision (a), requires a list of persons that were notified of their duty to comply with the general storm water NPDES permits and a description of the responses received to those notifications.
- Section 13399.27, subdivision (b), requires a list of persons that failed to submit an annual report or construction certification required by a regional water board and any penalties assessed therefor.
- Government Code section 65962.5, subdivision (c), requires that the State Water Board annually compile and submit to CalEPA a list of:
  1. All underground storage tanks for which an unauthorized release report is filed pursuant to Health and Safety Code section 25295;



2. All solid waste disposal facilities from which there is a migration of hazardous waste and for which a Regional Water Board has notified the Department of Toxic Substances Control pursuant to section 13273, subdivision (e), of California Water Code.
3. All CDOs issued after January 1, 1986, pursuant to California Water Code section 13301, and all CAOs issued after January 1, 1986, pursuant to California Water Code section 13304, which concern the discharge of wastes that are hazardous materials.

## B. Elective Enforcement Reporting

To present a comprehensive view of the Water Boards' enforcement activities and to identify enforcement goals and priorities, the Water Boards prepare the Annual Performance Report. The report should address the following subjects:

1. Budgetary and staff resources available for water quality enforcement at the Water Boards, as compared with the total resources for the regulatory programs and activities that they support, and the types of enforcement actions taken with those enforcement resources during the reporting period.
2. The effectiveness of the Water Boards' compliance and enforcement functions using metrics, such as those identified below:

### Recommended Performance Measures for the Water Boards' Enforcement Programs

Measure Name	Measure Description
Self-Monitoring Report Evaluation	Number of self-monitoring reports due, received, and reviewed and percentage of reports reviewed
Inspection Monitoring	Number of inspections and the percentage of facilities inspected
Violations	Number of violations identified
Compliance Rates	Percentage of facilities in compliance, based upon the number of facilities evaluated
Enforcement Response	Percentage of violations that received an enforcement action
Enforcement Activities	Number and type of enforcement actions
Penalties Assessed and Collected	The amount of penalties assessed and collected, SEPs approved, and injunctive relief
MMP Violations Addressed	Number of facilities with MMP violations receiving a penalty
Recidivism	Number and percentage of facilities returning to non-compliance for the same violation(s) addressed through an enforcement action
Environmental Benefits (as a result of an enforcement action)	Estimated pounds of pollutants reduced/removed through cleanup (soil or water), and wetlands/stream/ beach/creek/ river miles protected/restored (acres, miles, etc.)

3. Proposed enforcement priorities for the State Water Boards for the next reporting period and staff's basis for these proposals;
4. The extent of progress on enforcement priorities identified in prior reports; and,
5. Recommendations for improvements to the Water Boards' enforcement capabilities.

## APPENDIX C: REFERENCES

Water Code section authorizing the imposition of liability	Entity authorized to impose liability	Description	Water Code section directing deposit of funds	Account
§ 13261(b)(1)	Water Boards	Civil liability up to \$1,000 per day for failure to furnish reports of waste discharge or failure to pay annual program fees.	§ 13441(c)	CAA
§ 13261(b)(2)	superior court	Civil liability up to \$5,000 per day for failure to furnish reports of waste discharge or failure to pay annual program fee	§ 13441(c)	CAA
§ 13261(d)(1)	Regional Water Board	Civil liability up to \$5,000 per day for knowingly furnishing a false report of waste discharge, willfully failing to furnish a report of waste discharge, or willfully withholding material information on a report of waste discharge, against any person discharging or proposing to discharge hazardous waste, as defined by the Health and Safety Code.	§ 13441(c)	CAA
§ 13261(d)(2)	superior court	Civil liability up to \$25,000 for knowingly furnishing a false report of waste discharge, willfully failing to furnish a report of waste discharge, or willfully withholding material information on a report of waste discharge, against any person discharging or proposing to discharge hazardous waste, as defined by the Health and Safety Code.	§ 13441(c)	CAA
§ 13263.3 (g); § 13385(c)(1)	Water Boards	Civil liability may be imposed in an amount not to exceed ten thousand dollars (\$10,000) for each day in which the violation occurs for failure to for failure to complete a pollution prevention plan required by the State Water Board or a regional water board, for submitting a plan that does not comply with the act, or for not implementing a plan.	§ 13385(n)(1)	CAA
§ 13264 (a)(2); §§ 13265(a), (b)(1)	Regional Water Board	Civil liability up to \$1,000 per day for initiating a new discharge of waste, or making a material change to a discharge of waste, or initiating a new discharge to, making a material change in a discharge to, or constructing an injection well after filing a report of waste discharge but before 140 days has expired, where no WDRs have been issued and where the violation has been called to the discharger's attention, in writing, by the regional water board.	§ 13264(c)(1)	WDPF
§ 13265(b)(1)	Regional Water Board	Civil liability up to \$1,000 per day for discharging waste in violation of § 13264, after such violation has been called to the discharger's attention, in writing, by the regional water board.	§ 13441(c)	CAA

Water Code section authorizing the imposition of liability	Entity authorized to impose liability	Description	Water Code section directing deposit of funds	Account
§ 13265(b)(2)	superior court	Civil liability up to \$5,000 per day for discharging waste in violation of § 13264, after such violation has been called to the discharger's attention, in writing, by the regional water board.	§ 13441(c)	CAA
§ 13265(d)(1)	Regional Water Board	Civil liability up to \$5,000 per day for negligently discharging hazardous waste, as defined by the Health and Safety Code, in violation of § 13264.	§ 13441(c)	CAA
§ 13265(d)(2)	superior court	Civil liability up to \$25,000 per day for negligently discharging hazardous waste, as defined by the Health and Safety Code, in violation of § 13264.	§ 13441(c)	CAA
§ 13268(b)(1)	Regional Water Board (or State Water Board if no duplication of efforts)	Civil liability up to \$1,000 per day for failing or refusing to furnish technical or monitoring reports or falsifying information therein.	§ 13441(c)	CAA
§ 13268(b)(2)	superior court	Civil liability up to \$5,000 per day for failing or refusing to furnish technical or monitoring reports or falsifying information therein.	§ 13441(c)	CAA
§ 13268(d)(1)	Regional Water Board (or State Water Board if no duplication of efforts)	Civil liability up to \$5,000 per day against any person discharging hazardous waste, as defined in the Health and Safety Code, for failure to furnish technical report or knowingly falsifying information therein.	§ 13441(c)	CAA
§ 13268(d)(2)	superior court	Civil liability up to \$25,000 per day against any person discharging hazardous waste, as defined in the Health and Safety Code, for failure to furnish technical reports or knowingly falsifying information therein.	§ 13441(c)	CAA
§ 13268(e)(1)	superior court	Criminal penalties up to \$25,000 for knowingly failing or refusing to furnish technical or monitoring program reports, or failing or knowingly falsifying information therein.	§ 13268(f)(1)	WDPF
§ 13268(e)(2)	superior court	If person previously violated § 13268(a) or (c), up to \$25,000 per day in criminal penalties for knowingly failing or refusing to furnish technical or monitoring program reports, or knowingly falsifying information therein.	§ 13268(f)(1)	WDPF
§ 13271(c)	superior court	Criminal penalties up to \$20,000 in criminal penalties for failure to provide notice after causing or permitting hazardous substance or sewage to be discharged in or on any waters of the state or discharged or deposited where it is, or probably will be, discharged in or on any waters of the state.	§ 13441(c)	.5 to CAA
§ 13272(c)	superior court	No less than \$500 or more than \$5,000 per day for failure to provide notice after causing or permitting oil or petroleum product to be discharged in or on any waters of the state or discharged or deposited where it is, or probably will be, discharged in or on any waters of the state.	§ 13441(c)	.5 to CAA

Water Code section authorizing the imposition of liability	Entity authorized to impose liability	Description	Water Code section directing deposit of funds	Account
§ 13308	Regional Water Board (or State Water Board if violation of State Water Board order)	Civil liability up to \$10,000 per day for violation of a time schedule order.	§ 13308(e)	CAA
§ 13350(d)	superior court	Civil liability up to \$15,000 per day or \$20 per gallon for violation pursuant to § 13350(a) or (b).	§ 13350(k)	WDPF
§ 13350(e)	Water Boards	Civil liability up to \$5,000 per day* or \$10 per gallon for violation pursuant to § 13350(a) or (b). *When there is a discharge and a CAO is issued, civil liability shall not be less than \$500 per day in which the discharge occurs and the CAO is violated. When there is no discharge, but an order issued by the regional water board is violated, the civil liability shall be not less than \$100 per day.	§ 13350(k)	WDPF
§ 13385(b)	superior court	Civil liability not to exceed \$25,000 per day for violations of § 13385(a)(1)(2*)[*other than a violation of a water quality certification](3)(4)(5*)[*other than violations of CWA Section 401] or (6), and up to \$25 per gallon for discharge in excess of 1,000 gallons that is not cleaned up or is not susceptible to cleanup.	§ 13385(n)(1)	CAA
§ 13385(b)	superior court	Civil liability not to exceed \$25,000 per day for § 13385 (a)(2*)[*only for a violation of a water quality certification] or (5*)[*only for violations of CWA Section 401], and up to \$25 per gallon for discharge in excess of 1,000 gallons that is not cleaned up or is not susceptible to cleanup.	§ 13385(n)(2)	WDPF
§ 13385(c)	Water Boards	Civil liability not to exceed \$10,000 per day for violations of § 13385(a)(1)(2*)[*other than a violation of a water quality certification](3)(4)(5*)[*other than violations of CWA Section 401] or (6), and up to \$10 per gallon for discharge in excess of 1,000 gallons that is not cleaned up or is not susceptible to cleanup.	§ 13385(n)(1)	CAA
§ 13385(c)	Water Boards	Civil liability not to exceed \$10,000 per day for § 13385 (a)(2*)[*only for a violation of a water quality certification] or (5*)[*only for violations of CWA Section 401], and up to \$10 per gallon for discharge in excess of 1,000 gallons that is not cleaned up or is not susceptible to cleanup.	§ 13385(n)(2)	WDPF

Water Code section authorizing the imposition of liability	Entity authorized to impose liability	Description	Water Code section directing deposit of funds	Account
§ 13385 (h) through (l)	superior court or state or Regional Water Board	Mandatory minimum penalties of \$3,000 for certain NPDES violations. Compliance with a cease and desist order or time schedule or violations from a single operational upset of a biological treatment process will, in some instances, limit the imposition of penalties. Violations occurring at a new or reconstructed POTW and from POTWs in Orange county may be exempt from MMPs. Compliance projects for POTWs serving small communities may be considered in lieu of penalties. SEPs may be funded in lieu of an MMP	§ 13385(n)(1)	CAA
§ 13385 (h) through (l)	superior court or state or Regional Water Board	Mandatory minimum penalties of \$3,000 for violations falling under §13385(a)(2*)[*only for a violation of a water quality certification] or (5*)[*only for violations of CWA Section 401].	§ 13385(n)(2)	WDPF
§ 13385.1; § 13385 (h)	superior court or state or Regional Water Board	Mandatory minimum penalty of \$3,000 for failure to timely file a discharge monitoring report required pursuant to § 13383 for each complete period of 30 days following the deadline for submitting the report, if the report is designed to ensure compliance with limitations contained in WDRs that contain effluent limitations.	§ 13385.1(b)(1)	WDPF
§ 13387 (b),(c) and (d)	superior court	Criminal penalties for knowing or negligent violation of various sections of the Water Code resulting in fines ranging from \$5,000 per day for a negligent violation to \$1,000,000 for knowingly putting another person in imminent danger of death or serious bodily injury. (not including a violation of water quality certification, or violations of CWA Section 401)	§ 13387(h)(1)	CAA
§ 13387 (b),(c) and (d)	superior court	Criminal penalties for a violation of water quality certification or violations of CWA Section 401.	§ 13387(h)(2)	WDPF
§ 13399.33(a)	Regional Water Board	Civil liability of <u>not less than</u> \$5,000 per year of noncompliance for failure to submit a notice of intent to obtain coverage under the storm water NPDES permit in accordance with section 13399.30.	§ 13399.37(a)	WDPF
§ 13399.33(b)	Regional Water Board	Civil liability of \$1,000 for failure to submit the required notice of nonapplicability in accordance with section 13399.30.	§ 13399.37(a)	WDPF
§ 13399.33(c)	Regional Water Board	Civil liability of <u>not less than</u> \$1,000 for failure to submit an annual report or construction certification in accordance with section 13399.1.	§ 13399.37(a)	WDPF
§ 13529.4(a)	Regional Water Board	Civil liability ranging from \$5,000 to \$25,000 (depending on whether the violation is the first, second, third, or more) for refusing or failing to provide notice required under section 13529.2, or as required by a condition of WDRs requiring notification of unauthorized releases of recycled water.	§ 13441(c)	CAA

Water Code section authorizing the imposition of liability	Entity authorized to impose liability	Description	Water Code section directing deposit of funds	Account
§ 13611(c)(1)	Regional Water Board	Civil liability up to \$1,000 per day for failure to provide the notifications required by section 13271 relating to perchlorate or by section 13611.5.	§ 13611(d)	CAA (available upon appropriation by the Legislature)
§ 13611(c)(2)	superior court	Civil liability not less than \$500 and not more than \$5,000 for failure to provide the notifications required by section 13271 relating to perchlorate or by section 13611.5.	§ 13611(d)	CAA (available upon appropriation by the Legislature)
§ 13627.1(a)	State Water Board	Civil liability of not more than \$100 against any person who operates a wastewater treatment plant who does not hold a valid, unexpired certificate of the appropriate grade.	§ 13441(c)	CAA
§ 13627.1(b)	State Water Board	Civil liability of not more than \$100 per day against any person that owns or operates a wastewater treatment plant that employs, or allows the employment of, any person as a wastewater treatment plant operator who does not hold a valid, unexpired certificate of the appropriate grade.	§ 13441(c)	CAA
§ 13627.1(c)	State Water Board	Civil liability up to \$5,000 for each violation of certain specified acts related to wastewater treatment plant operators.	§ 13441(c)	CAA
§ 13627.2	State Water Board	Civil liability up to \$5,000 against any person who submits false or misleading information on an application for certification as a wastewater treatment plant operator or on an application for registration as a contract operator.	§ 13441(c)	CAA
§ 13627.3	State Water Board	Civil liability up to \$1,000 against any person who contracts to operate a wastewater treatment plant without having valid registration as a contract operator.	§ 13441(c)	CAA